KENTUCKY BOARD OF EDUCATION REGULAR MEETING APRIL 6-7, 2005

STATE BOARD ROOM 1ST FLOOR, CAPITAL PLAZA TOWER FRANKFORT, KENTUCKY

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on April 6-7, 2005, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, April 6, 2005

CALL TO ORDER

Chair Keith Travis called the full Board meeting to order at 8:30 a.m.

ROLL CALL

Present for the meeting were Janice Allen, Dorie Combs, Bonnie Lash Freeman, Jeff Mando, Helen Mountjoy, Hilma Prather, David Rhodes, Keith Travis, Janna Vice and David Webb. Absent were Tom Layzell and David Tachau.

APPROVAL OF MINUTES

Jeff Mando moved to approve the February 2-3, 2005, regular meeting minutes and Dorie Combs seconded the motion. The motion carried

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

Due to President Tom Layzell not being able to attend the meeting, a written report on the activities of the Council on Postsecondary Education was forwarded to the Board and made available in their meeting folders.

REPORT ON THE PRE-K TO 16 COUNCIL

Bonnie Lash Freeman reported that at the last Pre-K to 16 Council meeting, long-term strategies to link education and economic development were discussed. She included a PowerPoint on this topic in the Board member's meeting folder entitled "Aligning Expectations Across High Schools, Colleges and Work". Freeman said that seven key areas were mentioned that needed to be addressed including the importance of data, choosing from available assessment options, core curriculum, quality control, catch-up strategies for students that arrive behind, public and educator understanding and support

and accountability, including in higher education. She emphasized that this council is a good forum for this particular discussion and was happy to see it come before the group. Freeman also noted that a PowerPoint presentation by Achieve, Inc. was included in the members' meeting folder and said it was entitled "Creating a High School Diploma that Counts".

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Wilhoit shared the following with the Board:

- The Commissioner emphasized his visits to the proficiency schools were well worth the effort and he noted these schools have a lot about which to be proud. The Commissioner indicated the schools appreciated the recognition. Additionally, he noted that he visited the three Teachers of the Year, who are all outstanding representatives of the teaching profession in Kentucky.
- Relative to the high school redesign work, the June agenda will devote quite a bit of time to this topic. It is a two-phased approach, with the development of a framework, and then building an outreach campaign. He emphasized that all of the words about high school redesign are meaningless unless schools internalize them; therefore, the Department is establishing a successful practices network. Wilhoit noted that along with the high school, the Department has asked for the involvement of the central office and a feeder school. He reported that 53 high schools have signed up and stated that the Department's role will be to support the network and fulfill its obligation as a member of the international center. He pointed out this will be the first statewide high school redesign network. Wilhoit added that he also met with Gene Bottoms of the High Schools That Work group and assured the Board that the work of this network will be folded into the high school redesign work so that we don't end up with dueling networks. He went on to say that Kentucky is part of a coalition of thirteen states that have responded to a challenge from the National Governors Association to make sure the content presented to students in high schools will prepare them for making a successful transition to postsecondary education, the military or the world of work. Wilhoit also said that it is important to make sure that the alignment conversation takes place with the P-16 Council. He noted that the coalition is a loose one that will allow states to approach high school redesign in the manner that is best for the state but will bring together the states as a group for a joint conversation.
- The Commissioner stated that every year the Department produces an annual report or update on the Kentucky Board of Education's Strategic Plan. He reported that the copy the Board was viewing today would be bound in a spiral form and also shared with education partners and the public. He reminded the Board that they decided to base the plan on three goals to drive the Board's work and came up with indicators of progress against which measures can be taken. The Commissioner emphasized that this will be a public document and also available for the retreat. He said that a new feature this year is that it will be available on a CD that will go deeper into the indicators than the spiral bound

copy is able to do. At this point, Division Director Tacy Groves gave a short demonstration on the kinds of things members would find on the CD version of the Annual Report.

• Commissioner Wilhoit reminded the Board that the education data partnership has launched the School Matters website and noted that as part of this initiative, Standard and Poor's is providing a state analytical report for each state for which meaningful data has been collected. He pointed out that Standard and Poor's has completed this state analytical report for Kentucky and will be posting it on the School Matters site on April 11. Wilhoit noted that a copy of the Kentucky report was placed in the Board members' meeting folders.

GOOD NEWS FROM SCHOOLS/DISTRICTS

Various Kentucky Board of Education members shared the following items of good news:

- David Webb offered congratulations to Margie Bradford, a member of the Bardstown Independent School Board, who received the KIDS First Advocacy Award at the Kentucky School Boards Association conference. The award honors Kentuckians who are committed to improving public education. It was reflective of work that Bradford has done on the state legislative level on educational issues. Webb asked the Board to join him in congratulating Ms. Bradford on this achievement.
- Janna Vice offered congratulations to Ashley Newbern, a senior from North Oldham High School, who was named 2005 youth achiever of the year by the Chestnut Street YMCA Black Achievers Program. The Black Achievers Program aims to connect African-American eighth graders and high school students with mentors in the community who can help them to achieve their goals in life. Ashley credited her work ethic as setting her apart from others considered for the award. At school, she has been president of the Latin Club for two years, has been involved in student government and mentored younger students. For her senior project, she is organizing a banquet to raise money for Americans for African Adoptions, Inc., a non-profit international adoption agency. Ashley plans to attend Vanderbilt University to major in psychology. Ms. Vice asked the Board to join her in honoring Ashley on this outstanding achievement.
- Bonnie Lash Freeman congratulated Jefferson County Southern Leadership Academy Middle School on implementing a pilot program called "Fit IV Me" that urges girls ten to fourteen to put down the French fries and get moving. Louisville non-profit group Women4Women initiated the program for middle school girls and funded it through a \$20,000 grant from Metro Government Office of Youth Development. Other partners in this project include the University of Louisville women's athletics, Bellarmine School of Nursing, Teen Pregnancy Prevention and Walnut Street Baptist Church. The Fit IV Me program focuses on: being physically active for 60 minutes a day, making fitness fun and varied,

exploring new activities and eating healthy. Program Director Sue Serafini says that the program is designed to acquaint the girls, primarily from low-income families, with helpful ideas and help them learn to be fit and make good choices. Freeman asked the Board to join her in offering kudos to Southern Leadership Academy Middle School and its partners for this focus on fitness and health.

• Dorie Combs then congratulated AmeriCorps member Sandy Spaulding, who serves at Mayfield Elementary in Richmond, Madison County School District, for being awarded the Governors Award for Outstanding Volunteer Service at the Capitol rotunda for her project, "The Greatest Grandparents Club in the World". This club, which Sandy has created and implemented with great success, has involved grandparents of students at Mayfield, a school in crisis, as reading tutors. The teachers feel that Sandy and her grandparent tutors are meeting a great need and really appreciate the help. Combs asked the Board to join her in thanking Sandy for committing her time to improving the education for students at Mayfield Elementary.

BOARD MEMBER CONCERNS

Chair Keith Travis asked members if any concerns existed on which they wanted to focus attention

Helen Mountjoy indicated that she had heard from a number of superintendents concerned about the reduction in transportation funding. Mountjoy asked what steps had been taken to avoid this in the future and if there might be better ways to let districts know about these kinds of problems.

Commissioner Wilhoit replied that Board members need to remember that the transportation formula is not fully funded and that the problem is really a byproduct of increased costs. He explained that the issue really comes from the time between when estimates are made and when actual costs are known. He noted that better estimates would be available this next year. The Commissioner noted the formula is old and that the Department is going to have a task force examine it. He promised that the issue would come back to the Board once the task force has done its work

Ms. Mountjoy was asked to be recognized again and requested that the Board consider adding to a future agenda an item on the district audit. She emphasized that these audits should be the beginning of a process rather than the end.

KDE EMPLOYMENT REPORT

Vice Chair Hilma Prather noted that the Department continues to lose employees during a time of increased work and indicated her appreciation to the current employees for their efforts.

ASSESSMENT DESIGN ISSUES AFFECTING THE REQUEST FOR PROPOSALS (RFP)

Commissioner Gene Wilhoit indicated that his recommendation is to keep the RFP open in order to access the creativity of vendors. He stated that vendors could either submit a comprehensive response or bid on parts of the assessment system. Wilhoit noted that it is necessary for the Board to make broad decisions so that staff can put the RFP on paper and then take it to other groups that must advise the Board. He assured Board members that the feedback of these groups would be brought back to them before any final decisions are made. Wilhoit went on to say that Kentucky's assessment and accountability system is composed of elements that are so closely connected that the components really cannot be separated. He indicated the components to be content standards, performance standards and curriculum/instruction. Relative to content standards. Wilhoit said staff has been working on these the last several months and noted these define what is important for students to know and be able to do. He reported that the content standards have been improved and are comprehensive in scope, expectations and process in order to make them world class. Regarding performance standards, Wilhoit explained that these address depth of knowledge and cognitive challenge. He felt that some teachers have taught to content standards but not to the performance standards. On the final element, curriculum/instruction, he stated staff is redesigning its work in order to support these elements. He went on to say Kentucky's system must have both standing and growth and provide results for students and parents in a timely manner. In summary, Wilhoit emphasized that all of the elements are important and that the Board must think about how the different pieces affect the entire system.

At this point, Deputy Commissioner Linda France presented a PowerPoint presentation that reviewed the elements of the current assessment and accountability system and presented questions that needed to be answered in order to proceed with the development of the RFP. France indicated that the Commonwealth Accountability Testing System (CATS) is:

- Strongly anchored in statute.
- Designed to measure school accountability.
- Constructed to measure basic skills, higher order thinking skills and their application.
- Designed to measure 100% of core content.
- Currently composed of the Kentucky Core Content Tests, a norm referenced test and the writing portfolio.

France emphasized that in 2006 an augmented norm referenced test would be implemented to add the annual testing requirement for reading and mathematics in grades 3-8, as directed by the United States Department of Education. She then shared that the values and priorities on which Kentucky's testing system is based are as follows:

- Maintains a valid and reliable program that is credible with educators, public and stakeholders
- Offers tests that maintain strong support for instruction

- Meets Federal testing requirements of reading and mathematics annually and science per grade span per Federal requirements
- Develops a longitudinal scale for reading and mathematics
- Maintains involvement of Kentucky teachers
- Enhances score reporting more student information in less time
- Seeks equitable distribution assessment across grade levels
- Stays within a reasonable total testing time
- Maintains wide stewardship of funds
- Focuses on relevance/simplicity of design while adhering to values and priorities

While the board supported the values and priorities noted above, there were additional ones that they requested be added to the list as follows:

- Respects the developmental needs of children
- Assesses basic skills
- Strives to merge curriculum, instruction and assessment into a seamless system

Deputy Commissioner France moved on in the presentation to cover emerging national and state assessment issues since 1998 and then identified the questions the Board needed to answer in order for staff to move forward in developing the RFP as follows:

- Does the KBE wish to expand the purpose of CATS beyond school accountability to include additional student based measures?
- Would the KBE approve a different model of core content coverage moving from a 100% per year to a model that would allow more flexibility?
- Does the KBE wish to consider a change to the number of on-demand writing prompts or how we assess on-demand writing?
- Does the KBE prefer that the KCCT test design include a core of common items to provide additional student level results and matrix items for coverage of core content, equating and pre-testing?
- Does the KBE wish to continue emphasizing higher order skills by assigning greater weight to open response items?
- Does the KBE wish to pursue an embedded NRT for a longitudinal measure in reading and mathematics?
- Does the KBE wish staff to initiate pilot studies to develop and/or identify assessment approaches in Arts and Humanities and Practical Living/Vocational

- Studies that will address what students do as well as what they know in these areas?
- Does the KBE wish staff to include in the RFP a predictive measure of college success?

Due to the need for more time to discuss the issues listed above, the Board requested that time be devoted to extending this discussion at its annual retreat on the afternoon of May 17.

CONSIDERATION OF KENTUCKY'S CORE CONTENT FOR ASSESSMENT

Deputy Commissioner Linda France made the following points about the work on the core content:

- The work has been expansive.
- It has involved educators across the state.
- A focus of the work has been how to present the core content in order to drive instruction.
- The document is a working draft upon which the new RFP will be based.

At this point, Associate Commissioner Starr Lewis was asked to come forward to talk about the process for changing core content and the actual draft the Board was sent as part of its materials. Ms. Lewis made the following points in her presentation:

- The National Technical Advisory Panel for Assessment and Accountability (NTAPAA) gave staff direction on the core content designs and indicated the office was a sound one with an inclusive approach to getting feedback.
- The trigger for all of the work on the core content was the need for a new Request for Proposals (RFP); thus, the draft document sent to the Board is the contractor's version.
- In the work done with teachers and educators across the state, they were asked to look at whether the core content is clear and focused, provides additional guidance for teachers and schools and places items at appropriate grade levels.
- Postsecondary involvement was also part of the core content work including the Mathematics Summit
- The big difference in the new core content is that now it is done for each grade level rather than grade spans. The National Technical Advisory Panel for Assessment and Accountability was supportive of this approach and asked to

make sure that the progression is logical and meets developmental needs of students.

- The draft core content reflects a common format across all grade levels with the addition of verbs that should convey the cognitive complexity/depth of knowledge to teachers.
- A differentiation is made in what is appropriate to assess at the state level versus
 the local level. In regard to issues from the Mathematics Summit, the issue of
 algebraic concepts as they relate to symbolic manipulations and rational
 expressions was discussed at great length and was resolved by including rational
 expressions in the core content for the first time.
- Instructional support will need to be provided for difficult concepts, such as the rational expressions, that were added to the core content.

The discussion moved on to the degree of alignment between the core content and the American Diploma Project benchmarks. Associate Commissioner Lewis called the Board's attention to a color-coded chart that was sent to them and said that it indicates the degree of alignment between the two.

Commissioner Wilhoit noted his impression is that we have aligned with the American Diploma Project benchmarks. Lewis responded affirmatively. Wilhoit continued by asking why he would get a note saying that the core content standards do not represent postsecondary expectations in math nor are they intended to do so. Ms. Lewis replied that the American Diploma Project benchmarks reflect what is appropriate by the end of high school and are based on four years of mathematics. She went on to say that some of the bullets in the core content do not give much prominence to areas postsecondary education desires. She felt that postsecondary education would like to see a greater focus on algebra rather than on data interpretation, statistics and probability.

Division Director Michael Miller then asked to bring to the Board's attention in the algebra column of the chart to the benchmark labeled as J3.2. He noted that this reflects supporting assessment statements in our core content for absolute value equations and for specified variables in a multi-variable equation. Miller noted that these were omitted in the core content draft reviewed by the person who submitted the criticism to the Commissioner. He indicated that the two concepts have been added and emphasized that they should have been on the version received by the Board and put on the web.

Next, Hilma Prather said that she understands Mike Cohen had offered to look at the core content with its changes and because of differences of opinion on alignment, she thought this would be a good idea. Commissioner Wilhoit added that he has made this request to Cohen verbally and will follow-up on it.

Associate Commissioner Lewis was asked to specify the progress made at the Math Summit on the core content. Lewis indicated that the most tangible progress is that we now have rational expressions represented within the core content.

APPEAL OF NON-RESIDENT STUDENT CONTRACT RULING FOR SCHOOL YEAR 2004-2005: BREATHITT COUNTY SCHOOL DISTRICT VERSUS JACKSON INDEPENDENT SCHOOL DISTRICT

Chair Keith Travis indicated that Dorie Combs was recusing herself from the hearing and noted that Jeffrey Mando would be chairing the hearing.

Jeffrey Mando indicated the following in regard to how the hearing would be conducted:

- Assume that the Board has read the briefs.
- Assume that the Board is familiar with the statutes.
- Know that the Board has received the opportunity to review the parental forms.
- In 2003-2004, the Board ruled that Jackson Independent could have funding for 314 students. The Commissioner's ruling for 2004-2005 was that any of the 314 students that are still in the district can be funded to Jackson Independent plus any of their siblings that enter.
- It is the Board's understanding that Jackson Independent is looking for funding for 362 students as of today.
- At the last hearing, the Board expressed a strong desire for the two districts to resolve these issues locally and it is disappointed that they have not been able to do so. The Board firmly believes this is a local issue and is best settled at that level; however, the Board must fulfill its statutory obligation to conduct the appeal.

The attorneys were then asked to do a short presentation on their district's position. Robert Chenoweth representing Jackson Independent School District went first and made the following points:

- 161 students stand as unapproved by the Commissioner's ruling and Jackson Independent seeks approval for these students.
- The current standard for deciding these kind of appeals is what is in the best interest of the individual student. The only students involved are the ones before the Board in this particular appeal process.
- The publication "Public Attendance in Kentucky Schools 2004-2005" should not be part of the considerations made in this appeal.
- The Commissioner's ruling approved 249 students and an additional 161 are before the Board for consideration in this appeal.
- Jackson Independent does a good job academically and that can be verified from the available data. The district asks the Board to endorse the 249 students approved by the Commissioner plus an additional 161.

Next, the attorney for the Breathitt County District, Ken Henry, was asked to make his presentation. Dr. Henry made the following points:

- Jackson Independent continues to represent this appeal as a school choice issue; however, it is not about choice because parents have already chosen. The issue is really about funding.
- The Jackson Independent District refused to accept any kind of contract except an "any and all".
- The statute does not indicate the district must allow any and all to choose where they wish to attend. The 2005 legislative session removed the best interest language from the statute because it is unworkable.
- The publication from the Kentucky Department of Education referred to by Mr. Chenoweth does not have the power of law; however, it went to all school districts. The Kentucky Department of Education's staff is the right arm for the Board.
- Jackson Independent has submitted several parental forms with no specifics given in many cases.
- Miscoded students existed that were wrongfully reported as living in Jackson Independent, but actually reside in Breathitt County.
- Breathitt County welcomes your review of the data on academic performance. Breathitt County outperformed Jackson Independent at the elementary level and made great strides at the middle and high school levels. On this criteria alone, students are best served in Breathitt County. Additionally, Breathitt County has a more challenging population. Breathitt County has a broader group of class offering and is more efficient in managing its funds. Jackson Independent is very dependent on its nonresident student funding and overspent by \$283,834 in 2003 and \$130,519 in 2004. Additionally, Breathitt County's buildings are superior in condition to those in Jackson Independent.
- Breathitt County maintains that no dollars should go to Jackson Independent. The
 district charges no tuition. In 2004, Jackson Independent was cautioned not to
 take any more students from out of district.

At this point, Chair Jeff Mando opened up the floor for questions from Board members relative to the content of the appeal. The Commissioner was asked to give his rationale for the decision he gave in this case. Commissioner Wilhoit responded that his decision was based on the following:

• The reading of the law.

- The best interest of the student in both districts.
- Weighing the impact on district involvement in the disputes.
- What historically has been involved in the case.
- Making this decision consistent with the last one.
- The State Board did ask the local boards to work out their problems through mediation and for Breathitt County to improve its academic performance along with Jackson Independent getting under control the movement of students.

Next, questions from Board members came forward about clarification of the numbers of students involved in the appeal and also about the issue of miscoding in Jackson Independent. Relative to the numbers, it was clarified that 249 is the correct number because even if students withdraw, the district needs to be compensated for the time these students spent in the district. As to miscoding, the interim superintendent of Jackson Independent said it was due to students moving and also to the use of post office boxes for students' addresses. The interim superintendent clarified that he felt nothing was purposely done wrong relative to the miscoding.

Chair Mando emphasized that the general rule for average daily attendance funding through SEEK is not to provide the funding if the students do not reside in the district. He then asked if on some of the miscodings there were children attending Jackson Independent who listed a Jackson Independent post office box and lived in Breathitt County. The interim superintendent of Jackson Independent responded affirmatively. Mando went on to ask if Jackson Independent received any funding for any of these students and the interim superintendent again replied affirmatively. Mr. Mando stated that this situation borders on fraud. The interim superintendent again stated that he did not think the miscodings were intentional.

At this point, Helen Mountjoy moved for the Board to uphold the Commissioner's recommendation and allow funding for 249 students who are residents of the Breathitt County School District to be counted in average daily attendance for Jackson Independent for the purpose of generating student funds for 2004-2005 school year. Keith Travis seconded the motion and it was approved unanimously.

Helen Mountjoy then indicated that there needs to be follow-up on the miscoding issue in the Jackson Independent School District. Commissioner Wilhoit noted that one of the reasons the post office box issue was discovered is that the computer system now allows the Department to oversee to a greater degree the input of data from the districts. He assured the Board that he would follow-up on the miscoding issue and also send a letter to all superintendents on the concerns that were raised during this appeal and on what the correct, acceptable procedures are.

David Webb pointed out that there are considerable funding ramifications for Jackson Independent and wondered if this matter should be referred to Office of Education

Accountability. Commissioner Wilhoit responded that there will be an audit of both districts' financial situation as well as a request made to the Office of Education Accountability for an investigation.

In summary, Jeffrey Mando emphasized that the Board hopes the districts will make every good faith effort to come to an agreement in the future. He reminded them that the statute has now been changed and that they should go forward to the future in a positive manner.

KSB/KSD OVERSIGHT COMMITTEE

Review Items

1. Update on the Implementation Plan as it relates to the Kentucky School for the Blind and Kentucky School for the Deaf center-based instructional programs; lessons learned from the Hardin and Johnson County schools' presentations to the KBE in February on closing the special education achievement gap; and major findings, issues, barriers and challenges around closing the achievement gap for students with disabilities. Vice Chair Helen Mountjoy indicated that all members of the committee were present except David Tachau, who is out of the country. Ms. Mountjoy indicated she was aware of significant and exciting changes at the two schools.

Associate Commissioner Johnnie Grissom announced that Principal Jeanette Wicker from the Kentucky School for the Blind had announced her intent to retire. She commended Jeanette on her tremendous service to the school and the progress made at the school under her leadership. She also noted that the new principal at the Kentucky School for the Deaf is Jackie Day. Grissom thanked Bill Melton for filling in until Ms. Day took the position and noted that Fran Hardin was serving in a different capacity as Director of Outreach at the Kentucky School for the Deaf.

Vice Chair Mountjoy then recognized all of these individuals for their leadership during times of change and thanked them for their efforts.

Next, the Committee moved on to the part of the agenda dealing with instructional programs at the two schools. Associate Commissioner Johnnie Grissom indicated that the schools continue to work on challenges to improve the instructional program. Grissom stated that Bill Melton would address the curricular changes at KSD, Jeanette Wicker would talk about those at KSB and then Debbie Martin from KSD would address the Early Education Station, which is a collaborative preschool program effort between Boyle County and KSD.

First, Bill Melton summarized major efforts in the instructional area at the Kentucky School for the Deaf as follows:

- The administrative staff worked with the highly skilled educator (Sara Villavencio), Fran Hardin and Nancy Mann, district assessment coordinator, to analyze CATS scores. These were then shared with the faculty and the school council, with areas of strengths and weaknesses determined for instructional purposes.
- The elementary staff is administering the Key Math assessment two times per year and the Rigby Benchmark Reading Assessment two times per year. The Reading Recovery teacher is working with and assessing students daily.
- Dorm staff are becoming involved in the reading program after school and in the evenings.
- New, more appropriate reading materials have been purchased and two staff members have been trained in the Fairview Reading Program.
- At the middle and high schools literacy groups are utilized.
- The science curriculum at the middle school level has just been revised and staff will move on to other curricular areas using this revision format as a model.
- KSD is working with DERC on an interactive sign language video science program on a pilot basis.
- The Office of Special Instructional Services helped purchase nineteen Smart Boards placed in classrooms at KSD.
- Career and technical education has been examined and the school has moved toward being more high tech.
- The highly skilled educator is invaluable in helping the schools and this position needs to continue.

Next, Jeanette Wicker highlighted the following efforts of the Kentucky School for the Blind:

- The highly skilled educator is greatly needed and depended on constantly.
- One curriculum area is looked at each year for alignment purposes and this year the area is Arts and Humanities and Practical Living/Vocational Studies.

- As at KSD, staff looked at test scores and analyzed the data for determining strengths and weaknesses. This information was presented to the full faculty and also to the school council.
- As at KSD, Key Math is also administered.
- Technology is a priority area that has been emphasized this year with professional development on assistive and adaptive technology and the purchase of up-to-date hardware for the assistive and adaptive technology approaches. Additionally, a checklist has been developed for assessing teacher skills in technology so that assistance to teachers can be targeted.
- Literacy has also been an emphasis at KSB this year with professional development focused on the best practices for teaching blind and visually impaired students. All students get two language arts classes and at the high school level there is a remedial class focused on reading skills.
- Literacy practices are being communicated to dorm staff so that they can work with students in the afternoon and evenings.
- A pilot program is being implemented for students with more severe needs to help them to transition back to their home districts.
- Four nights a week, a study center is open and staffed by adults that can assist students.
- Each dorm has a designated study time.
- The Kentucky School for the Blind is trying to build a program with the colleges around the state in order to provide students with college experience and the opportunity to gain college credit.
- The school has increased its focus on career and technical education.

The final presenter was Debbie Martin from the Kentucky School for the Deaf who talked about the Early Education Station located at the Kentucky School for the Deaf. She shared the following things about the program:

- This program is a joint effort between the Boyle County School District and Kentucky School for the Deaf. It is a program that has both hearing and non-hearing students from the same classroom.
- Lots of professional development and planning had to occur before the program could get underway.

- Sign language is incorporated into the curriculum and a team spirit exists among the faculty.
- Parent outreach and meetings have occurred.
- Hearing peers are learning to sign and understand the unique differences of individuals.
- The deaf students are benefiting from the social interaction with their hearing peers.
- One issue that has arisen is keeping the deaf students focused on the interpreter in large group activities. Staff are exploring solutions to this problem.
- Most deaf students with other disabilities are integrated into the program and also pulled out for specialized instruction.

As to the problem with keeping the deaf students focused on the interpreter in large group activities, Board members suggested the ratio of adults to students for group situations be examined and different learning approaches developed to address the attention problem.

At this point the Board moved on to the next topic on their agenda, which was lessons learned from the Hardin and Johnson County Schools' presentations to the Kentucky Board of Education in February on closing the special education achievement gap. Barb Kibler summarized the following points that were common to both presentations:

- Whole school improvement that addresses closing the achievement gap for all populations is implemented. The schools received districtwide support around planning, professional development, and transition from school level to school level.
- The professional development came from within the schools with the special education teacher providing much of the professional development for the regular education teachers. A team approach was used and the teachers focused on each special education child's needs, not just the special education students.
- Joint planning is a necessity. Admissions and Release Committee and Individual Education Plan meetings are taken very seriously.
- Time away from the classroom for professional development is available.

 Much training in the delivery of instruction through different methods occurs.

The last part of the committee's discussion dealt with looking at major findings, issues, barriers and challenges in closing the achievement gap for students with disabilities. Associate Commissioner Johnnie Grissom made the following main points during this presentation:

- Prior to focusing on closing the gap, the Department formed a cross agency team and looked at schools that were closing the gaps. Any schools not meeting their accountability goal and novice reduction goal were eliminated from consideration.
- Looking at research, the team looked for schools with sustained improvement and took out any that were not improving over a six-year period.
- The team looked at those schools that were closing the gap by at least ten points.
- One of the most important cuts that the team made was to make sure that no schools were on the list where some groups were improving and others were going down. Whole school improvement was the goal.
- After using the above criteria, the list was narrowed to about 50 schools and from these 13 were selected to visit.
- At the schools, staff were asked what they were doing to close the special education gap. Interviews occurred with principals, teachers, parents and students. The other schools that were not visited were also asked to share their experiences relative to this issue.
- The practitioners said that closing the special education achievement gap is not circumstantial and must be focused. It is difficult work and is accomplished through having special education students in the rigorous curriculum with support for special education students.
- Closing the special education achievement gap is not a special education problem but is a whole school problem.
- Data is embraced as a tool and a culture of inquiry and constant assessment is developed.

- A culture of achievement is also developed where students are not blamed and adults take responsibility.
- Classroom instruction has to change to meet the needs of students and not the convenience of adults.
- Tracks of students were eliminated.
- The unique needs of students are examined and there are individual plans for all students.
- There must be a large degree of professional development for both the special education and regular education staff.
- A plan of action had to be developed and collaborative decision making was implemented.
- All of these elements led staff toward the components needed for a plan designed to help all schools close the achievement gap for students with disabilities.

At the closing of the committee meeting, staff were asked by Vice Chair Helen Mountjoy about the upcoming revision of the special education regulations due to changes in federal requirements. She indicated that staff needs to keep this in mind as they bring information to the KSB/KSD Committee as to the kinds of policy changes that are being proposed. Mountjoy also said that the Board will hear from many groups about their preference in changes to the regulations and some may advocate for doing the minimum required by the federal level; however, she cautioned that the Board may have to go farther than the minimum in order to close the achievement gap. Ms. Mountjoy asked for a study session at the next Board meeting on education terminology and the education process for special education. She indicated the session would be optional but would help the Board prepare as the revision for the special education regulations comes forward.

CURRICULUM COMMITTEE MEETING

Action/Discussion Items

1. **Preschool Funding, 2005-2006 Rates.** At the beginning of this presentation it was pointed out that on page 86 of the Agenda Book in Table 3 a correction needs to be made to the developmentally delayed column, in the last cell so that instead of 50% it should read 42% of growth.

Annette Bridges, Branch Manager of the Preschool Program, indicated that there is a set amount allocated by the legislature for preschool; however, she noted that due to the increase in the number of students, districts have ended up with less dollars per child. She said that districts are handling this problem by changing the length of the program, reducing the number of adults in the classroom, and/or using local or Title I funds.

Board members expressed their sadness at the lesser amount of money that is available to educate preschool students and the fact that next year even with the added dollars allocated by the legislature the preschool level will be lower per child than it ever has been.

Committee Chair Dorie Combs indicated that regardless of the amount available, the Board must approve the rates. She said that in past years within the motion itself, the Board has expressed its concern about the dollars available. Hilma Prather added that she felt legislators did not understand the seriousness of this situation and that the Board needs to become proactive in educating them. Prather felt that making legislators understand the problem should be one of the Board's priorities.

At this point, Hilma Prather moved that it is with continual deep regret that on behalf of the Curriculum Committee she moved to approve the preschool funding rates knowing that overall the state is providing less funding per child and therefore, the committee respectfully requests the opportunity to discuss this serious situation with the appropriate legislative committees. Bonnie Lash Freeman seconded the motion and it carried.

Review Items

- 1. Annual Report from the Kentucky Educational Collaborative for State

 Agency Children (KECSAC). Committee Chair Dorie Combs introduced

 Norman Powell, Director of the KECSAC program along with Ronnie Noland
 and Leon Swartz. They also brought along three program improvement
 specialists from the KECSAC program. KECSAC staff proceeded to do a
 PowerPoint presentation for the Curriculum Committee covering the
 following topics:
 - Introduction and KECSAC overview
 - What is the purpose of State Agency Children's Fund?
 - Demographics and academic outcomes
 - Activities to increase academic index and reduce achievement gap
 - Academic success outcomes

The committee members were concerned that the KECSAC programs do not have the CATS data for their programs in order to formulate program improvement plans. The committee members desired to find a way to hold adults accountable and improve the programs by looking at the data. Additionally, it was noted that the data needs to drive professional development. It was also suggested that curriculum, instruction, and assessment be rolled into teacher evaluation.

At this point, on behalf of the Curriculum Committee, Janna Vice moved that the Kentucky Board of Education, through a letter, request that all KECSAC programs obtain and review on annual basis their CATS data, with the assistance of KDE staff, in order to facilitate program improvements through the development of a school improvement plan. Bonnie Lash Freeman seconded the motion and it carried.

Thursday, April 7, 2005

ASSESSMENT COMMITTEE MEETING

Action/Discussion Items

1. Consideration of waivers of 703 KAR 5:020, affecting grade configurations for Bath and Meade Counties. Committee Chair Hilma Prather noted that the waiver requests from Bath and Meade Counties were approvable within the confines of the regulation. Division Director Bill Insko indicated that these are not out of the ordinary requests. Therefore, Helen Mountjoy moved approval of the waivers for Bath and Meade Counties and Jeff Mando seconded the motion. The motion carried.

Review Items

1. Revisions to assessment regulations to align the school reconfiguration notice deadline to coincide with earlier release of scores and to incorporate additional Federal flexibility. Committee Chair Hilma Prather indicated that the staff note contained four proposals and that for two of them, it is the first time the Board has seen them. She noted that final approval of the revisions to these regulations will occur at the June meeting.

The proposals were explained as follows:

- Proposal 1 aligns the school reconfiguration notice deadline to coincide with the earlier score releases for both CATS and NCLB. The date would be moved to June 30.
- Proposals 2 and 3 relate to flexibility that is now offered for NCLB.
 The flexibility allows multi-year averaging if the school does not meet the target and schools are allowed to average back up to three years.
 Staff explained that this allows schools with a blip on their data radar some relief from very stringent requirements. It was noted that the multi-year averaging only triggers when a school does not meet its target.

The Board wanted to know the impact of Proposals 2 and 3. Staff replied that as far as participation rate, last year no school missed the target. Relative to annual measurable objectives, by implementing the flexibility, eight more schools would move into making AYP and three districts would move into making AYP. The consensus of the committee was to allow these proposals.

The discussion moved on to Proposal 4, which dealt with changing the other academic indicator from the accountability index to attendance. Rhonda Sims indicated that a number of people in the field have commented that because the prior year accountability index was used as the other academic indicator, schools already know if this prevents them from making AYP. She indicated that these people feel it is self-defeating to already know that a consequence is on the way before it is ever assigned. Sims explained that staff has done research on what other states are using as their other academic indicator and found that 37 states and the District of Columbia are using attendance. She explained that if a current year attendance rate was used, 109 more schools would move into the AYP category along with eight districts, and then one school would move out of the AYP category. Sims went on to say that if one pairs the effects of Proposal 3 and making attendance the other academic indicator, 120 schools and 11 districts would move into the AYP category and no schools would move out. She said that staff is bringing this proposal forward for feedback and direction.

Committee Chair Hilma Prather noted that the Local Superintendents Advisory Council supported all of the proposals within this staff note.

There was much concern expressed about moving away from the accountability index, which is a measure of rigor, to one using attendance. Other indicators were discussed such as the state index or the school mean. It was decided that staff should consider other models for the other academic indicator and bring back a proposal to the Board at its retreat on the afternoon of May 17.

1. Report on Commonwealth Accountability Testing System (CATS)

Performance for Students in A2-A6 Programs. Division Director Bill

Insko said the data the Board received looks at performance in non-A1 programs versus A1 schools. He explained that as one would expect, the performance in non-A1 programs is considerably lower. He noted that there are cautions about this data because it comes from a sheet that students hand mark when they take the test. In some cases he said it is not clear where the accountability goes. One more thing he pointed out is that A2-A6 programs in some instances are located in A1 schools.

Helen Mountjoy asked if there's a way to generate data on just students for whom the state is accountable. Associate Commissioner Kyna Koch replied that at the end of this school year it could be done due to the assignment of student identifiers.

Hilma Prather felt that the bad news is a tremendous gap shows up in the achievement of these students, but noted there have been gains. She indicated that the Department needs to move to better monitoring of these students.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

- 1. **2004-2005 Local District Tax Rates Levied.** Chair Jeffrey Mando indicated that when these rates were approved in the past, an error was made and thus these needed approving once more to correct the errors. Janice Allen moved approval of the local district tax rates levied and David Rhodes seconded the motion. The motion carried.
- 2. <u>2004-2005 Local District Working Budgets.</u> Chair Mando indicated that staff has certified the submitted budgets are in compliance with regulation and statutes. The committee did ask as a follow-up item for the Jackson County Board to be invited to a state board meeting to discuss its financial situation once the end-of-year numbers are available. At this point, Janna Vice moved approval of all submitted 2004-2005 local district working budgets and David Webb seconded the motion. The motion carried.
- 3. <u>District Facility Plans: Bath, Bell, Menifee, Muhlenberg, Pendleton and Perry Counties and Caverna, Covington and Harlan Independents.</u> Chair Jeff Mando felt that the plans were self explanatory and noted that the local voting on the plans was strong in all cases except Bath County, where a school consolidation issue exists. Therefore, David Webb moved approval of all submitted facility plans and Janice Allen seconded the motion. The motion carried.
- 4. <u>District Facility Plan Amendments: Larue, Meade and Warren Counties.</u>
 Chair Mando indicated all of the amendments are within compliance of the law and pointed out that Larue County also had a school consolidation issue. However, he noted that the process required by law was followed. At this point, Janna Vice moved approval of all submitted facility plan amendments and Janice Allen seconded the motion. The motion carried.

Action/Discussion Items

1. **702 KAR 6:100, Appeal procedures for school and community nutrition programs (Final).** Committee Chair Jeff Mando indicated that this regulation was reviewed at the February meeting and asked Paul McElwain to address any changes that have been made since that time.

McElwain said that only one minor change has occurred since the review in February and noted that it appears on page 6 of the regulation, line 4, where

the phrase "or ten (10) days if the matter under appeal is a suspension in participation". He noted that this was added at the request of federal officials and assured the Board the other changes within the regulation are those that it reviewed in February.

Associate Commissioner Kyna Koch proposed one more change on page 3 of the regulation, line 12, where the word "and" at the end of that line would be changed to "or".

At this point David Rhodes moved to give final approval to 702 KAR 6:100 to include the changes noted above. Janna Vice seconded the motion and it carried

Review Items

1. **702** KAR 5:080, Bus drivers' qualifications, responsibilities and training. Associate Commissioner Kyna Koch reminded the committee that the Board considered a couple of waivers to allow assistance dogs to ride on buses and explained that these seem to be on the increase. She stated staff is proposing that the regulation be revised to allow assistance animals on buses and indicated this regulation would come back to the committee in June for final approval.

Action/Discussion Items (Cont'd)

2. 2004 Report, 2004 Exceptions and 2006 Plan required by 702 KAR 1:115, Annual in-service training of district board members. Kentucky School Boards Association Director David Keller expressed his organization's appreciation at being the entity designated to train local board members in 2004. He indicated that the great majority of local board members exceeded the training requirements. Keller shared that in the future his organization will be doing an in-depth needs assessment coupled with identifying specific topics perhaps not on the list to provide offerings that meet local board members' needs. He also shared that KSBA will be working with the Kentucky Association of School Councils to do a joint training for board members and school council members to analyze assessment data. Keller said he hopes this would encourage dialogue and communication that would be useful at the local level. He pointed out that Attachment F is the 2006 training plan and said that it is similar to the previous plan.

Committee Chair Jeff Mando asked Keller to comment on what he sees as the changing demographics of local board members and any reasons he sees for the lesser degree of interest in running for the local board.

Keller felt that there is a steady trend towards younger, more female board members. He said that he still does not see increases in the number of

minority board members so that the average board member is a Caucasian, early middle aged male with some college education.

At this point, Janna Vice moved approval of the 2004 Report, 2004 Exceptions and 2006 Plan and David Rhodes seconded the motion. The motion carried.

Jeff Mando thanked David Keller for his service and cooperation with the Kentucky Board of Education since he said that Keller would be retiring.

Interscholastic Athletics and Revisions in Kentucky High School Athletics

Association constitution, by-laws and due process procedures (Final).

Chair Mando indicated that the committee reviewed the regulation in February and is now being asked to take final action. At this point David Webb moved final approval of 702 KAR 7:065 and the revisions in the Kentucky High School Athletics Association constitution, by-laws and due process procedures. Janna Vice seconded the motion and it carried.

REPORT ON 2005 ELEMENTARY AND SECONDARY EDUCATION LEGISLATION AND THE BIENNIAL BUDGET

Legislative Liaison Bonnie Brinly reported that 139 bills and 13 resolutions became law. She noted that Board members would be receiving a revised copy of the legislative summary in the next mailing. Brinly highlighted the bills that passed as follows:

- A weight in SEEK for limited English proficient students
- Districts' ability to levy a 4% increase in property taxes as part of tax modernization
- More funding for students behind in reading and mathematics
- An initiative on non-resident students
- Requirement for instructional leadership

Ms. Brinly said that several bills will require the Board's attention for making policy as follows:

- SB 19, Read to Achieve that will provide a constant source of funds for reading
- HB 93 that deals with mathematics and reading initiatives
- SB 172 that deals with wellness concerns (A regulation will come forward to the June meeting dealing with the policies that the Board is required to make in the wellness area.)
- HB 72 that sets a standard for the habitual truant.

At this point staff pointed out some factors that the Board needs to be aware of relative to the budget that was passed:

- Part of SEEK needs explanation since the transportation portion was flat-lined again; however, employees still get raises and gas prices are going up.
- Relative to facilities, five nickels now exist. Staff would like the General Assembly to get back to the original three-pronged approach and fully fund it.
- Fourteen Category Five Urgent Needs Projects were funded. Staff is concerned that these projects send a bad message to districts. The Board was asked to support full funding of the school facilities program as specified by statute.
- Health insurance was funded at an extremely large dollar amount and unless the state gets a handle on this, it will continue to eat up any new funds. A Blue Ribbon Task Force is being convened on this issue.

HEARING OFFICER'S REPORT

Policy Advisory David Cook came forward to report on the status of 704 KAR 3:035 that was passed by the Board relative to professional development. He noted that an LRC staffer recommended to delete some language to the section of the regulation that listed experiences not countable as highly qualified professional development (Section 4, page 5, subsection (9) beginning on line 21 of the regulation) for clarification purposes. Cook indicated that given the confusion as to what the list in question is intended to reflect and given that this regulation already describes what is highly qualified professional development, staff recommends that the Board approve the deletion of the listing within the regulation beginning on page 5, line 21, of the experiences that would not qualify as highly qualified professional development.

Jeff Mando moved to adopt the Hearing Officer's Report as presented and Helen Mountjoy seconded the motion. The motion carried.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Jeff Mando moved to adopt the following items as presented:

- School district tax rates levied
- Local district facility plans
- Local district facility plan amendments
- Local district working budgets

The Board concurred with the motion.

MANAGEMENT COMMITTEE REPORT ON ACTION ITEMS

Action/Discussion Items

1. <u>702 KAR 6:100, Appeal procedures for school and community nutrition programs (Final).</u> Chair Jeff Mando noted one correction on page 230, line

12 where "and" was changed to "or". He then moved final approval of 702 KAR 6:100 to include the amendment. The board concurred with the motion.

- 2. 702 KAR 7:065, Designation of Agent to Manage High School
 Interscholastic Athletics and Revisions in Kentucky High School Athletics
 Association constitution, by-laws and due process procedures (Final).
 Committee Chair Jeffrey Mando said the committee recommends that
 KHSAA continue to be designated as the Board's agent and to give final
 approval 702 KAR 7:065 and the amendments to the by-laws, constitution and
 due process procedure changes. The Board agreed with the motion.
- 3. **2004 Report, 2004 Exceptions and 2006 Plan required by 702 KAR 1:115, Annual in-service training of district board members.** Committee Chair Mando shared that the committee recommends and he moved to adopt all of the items presented by the Kentucky School Boards Association to include the 2004 report, 2004 exceptions and 2006 plan. The Board concurred with the motion.

CURRICULUM COMMITTEE REPORT ON ACTION ITEMS

Action/Discussion Items

- 1. Preschool Funding, 2005-2006 Rates. Committee Chair Dorie Combs indicated that there is a slight increase in funding for preschool, but noted that due to the number of students in the program, the funding is actually at its lowest per child since the program started. She noted a correction on page 86 in Table 3, in the developmental delay total in the bottom cell that should read 42%. Combs said that it is with continued deep regret that on behalf of the Curriculum Committee, she moved to approve the preschool funding rates knowing that overall the state is providing less funding per child, and therefore the committee respectfully requests the opportunity to discuss this serious situation with the appropriate legislative committees. The Board concurred with the motion with Helen Mountjoy voting no. She indicated she understands the necessity for adopting the preschool rates but emphasized that they are totally inadequate.
- 2. Annual Report from the Kentucky Educational Collaborative for State

 Agency Children (KECSAC). Chair Combs indicated the committee
 received an extensive report from KECSAC that made a concerted effort to
 provide data on academic improvement to the best of their ability. She called
 the Board's attention to a letter at each member's place regarding a motion
 that was requested by Dr. Norman Powell, Executive Director of KECSAC.
 She then moved on behalf of the Curriculum Committee that the Kentucky
 Board of Education, through a letter, request that all KECSAC programs
 obtain and review on an annual basis their CATS data, with the assistance of
 KDE staff, in order to facilitate program improvements through the

development of a school improvement plan. The Board concurred with the motion.

ASSESSMENT COMMITTEE REPORT ON ACTION ITEMS

Action/Discussion Items

1. <u>Consideration of waivers of 703 KAR 5:020, affecting grade configurations for Bath and Meade Counties.</u> Committee Chair Hilma Prather indicated that waiver requests were received from Bath and Meade Counties relative to their grade configuration and she moved approval of these waiver requests. The Board concurred with the motion.

In a separate issue, Chair Prather requested that all members of the Board receive the tape from the Assessment Committee in order to hear the proposal for the other academic indicator that was discussed in the Assessment Committee.

INTERNAL BOARD BUSINESS

The following items came forward:

- Helen Mountjoy indicated that a voluntary study session would be held in conjunction with the next meeting to address questions on special education terms and procedures in preparation for the amendment of the special education regulations.
- Janice Allen moved to approve David Webb's travel to the Education Commission of the States conferences and meetings since he has been appointed as an ECS commissioner. Bonnie Lash Freeman seconded the motion and it carried.

ADJOURNMENT

David Rhodes moved to adjourn the meeting and Hilma Prather seconded the motion. The motion carried.